



TOWN OF HUDSON

Planning Board

Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison



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HUDSON PLANNING BOARD MEETING MINUTES November 14, 2012

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:08 p.m. on Wednesday, November 14, 2012, in the Community Development's Paul Butler meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Russo asked Mr. Hall to lead the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

Chairman Russo asked Secretary van der Veen to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

Present: James Barnes, Glenn Della-Monica, George Hall, Vincent Russo, Ed van der Veen, Richard Maddox (Selectmen's Representative), and Tim Malley (arrived at 7:15 pm).

Members

Absent: None. (All present.)

Alternates

Present: Irene Merrill, Marilyn McGrath, Jordan Ulery, and Nancy Brucker (Selectmen's Representative Alternate).

Alternates

Absent: None. (All present.)

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo seated Ms. Merrill in place of the tardy Mr. Malley.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo addressed the minutes for the meeting of 09-12-12, asking if there were any changes or corrections.

Mr. Della-Monica requested the following changes:

- Page 4, 5th paragraph, last line – he questioned the phrase “collect infrastructure,” asking for clarification as to whether this was actually what had been said.
- Page 7, 4th paragraph, last line – he questioned the phrase “60 account.” Mr. Della-Monica suggested removing “60” from the text. Town Planner Cashell said it should be an account with approximately \$60,000 in it.
- Next paragraph, the \$19,000 figure should have a comma.
- Page 12, 3rd paragraph, 4th line – he questioned the wording “noise, draft, and air quality.”

Mr. Barnes requested the following change:

- Page 6, 5th paragraph, last line -- the phrase “impact free process” should be “impact fee process.”

Ms. Merrill requested the following changes:

- Page 2, last paragraph, 2nd line – put “could” instead of “cold.”
- Page 8, 4th paragraph, add period at end of sentence.
- Page 9, last paragraph, correct misspelling of name “George.”
- Page 16, 2nd paragraph -- she questioned whether “manmade” should be hyphenated.

No further changes or corrections being brought forward, Mr. Della-Monica moved to accept the minutes as amended; Mr. Barnes seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members present voted in favor, and Chairman Russo declared the motion to have carried (7–0).

Mr. Malley having arrived at 7:15 pm, Chairman Russo seated him at this time, with Ms. Merrill returning to her position as a nonvoting alternate.

VI. CASES REQUESTED FOR DEFERRAL

No cases had requested deferral from tonight's meeting.

VII. CORRESPONDENCE

A. Proposal to Rezone 185 Lowell Road (and 183 Lowell Road) from Industrial (I) to Business (B).

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell said he had nothing to add to his staff report.

Atty. J. Bradford Westgate, of the Devine, Millimet, & Branch Professional Association, 111 Amherst Street, Manchester, NH, legal representative for the applicant, appeared before the Board, accompanied by Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, serving as the engineering representative of the applicant, who displayed a blowup of the **Town of Hudson, NH, Property Map Sheet 210**. Attorney Webster said Mr. Basso had colored in the zoning districts.

Chairman Russo clarified that this was not a true hearing.

Atty. Westgate discussed details of the plan, noting these were the only properties in this area that were not rezoned as Business, and clarifying that he was speaking only for the owner of 185 Lowell Road and not for the owner of 183 Lowell Road. He said it seemed logical that these two properties be rezoned as Business, saying he realized that they would give up some privileges in doing so. He said his client would like the Planning Board to consider this favorably—and, if so, take it as a Planning Board proposal for change of the zoning as a proactive move of the Board rather than an owner-petitioned article.

Chairman Russo asked if anyone else wished to speak; no one came forward.

Chairman Russo asked if Town Planner Cashell had information with regard to the other property (rented by the Tire Warehouse company). Mr. Cashell said the owner had been rather noncommittal, and he noted that most of the uses allowed in the Business zone also were allowed in the Industrial zoning district.

Ms. McGrath asked why the owners of the other property would not be favorable. Mr. Cashell replied that the owner seemed to be very unfamiliar with zoning. Ms. McGrath said to rezone just one property would be spot zoning. Town Planner Cashell demurred, based on the surrounding properties. Ms. McGrath said in her estimation it would be spot zoning, adding that she thought this same proposal had come before the Planning Board a few years ago, with the same issue being noted then.

Atty. Westgate said his recollection was that other properties nearby initially contemplated including this property in their proposal, but these properties were eventually not included.

Mr. Basso said the owner of the 185 Lowell Road property had been approached at that time and had said "Yes," but the property was not included and he had not been contacted again.

Selectman Maddox said he felt the Board was in agreement, but the two property owners needed to get together and work out their issues to make it happen, adding that he did not know why the Planning Board should spend a lot of time on this.

Chairman Russo said his opinion was that the property owner had no control over the property next to him—adding that he would agree with Ms. McGrath as to spot-zoning if it were not for the adjoining properties. He said he had no problem with moving it forward.

Mr. Barnes expressed agreement, but said they should get together with the other owner, saying the Board should not change it without hearing from the owner.

Mr. Hall said the lots should have been rezoned with the others, noting that Town Planner Cashell had said the land across the street should be rezoned as well. He then expressed a belief that the Planning Board should propose changing all three properties.

Ms. McGrath said the point she had been going to make was that the lot across the street now had an electronic message-changing sign that had been placed on residential property, saying it would make sense to change the zoning, but this had been discussed before and the residents of Shelley Drive, located behind that property, had been opposed to it, because of concern about commercial development. She said she had no problem with the zoning of the two lots being changed, but in her opinion it was spot zoning, which the Board historically had tried not to do. She concluded by stating that the Board should consider whether the adjoining property owner had concerns about changing the zoning.

Town Planner Cashell said it was a planning issue, as Mr. Hall had pointed out, noting that this would make the electronic message-changing sign on the Presentation of Mary property compliant, and adding that the owner of that sign had not indicated a desire to come before the Town to gain approval by a variance.

Ms. McGrath said that to rezone property to allow a sign that should not have been put there to begin with would be crazy.

Chairman Russo said his understanding was that the entire lot would be rezoned, not just the area containing the sign. Town Planner Cashell demurred, saying the change would simply replicate the depth of adjoining properties that were already zoned for Business. He displayed the aerial map, pointing out details of limit of the existing Business zone, and saying the proposal would simply extend the line across the Presentation of Mary property.

Selectman Maddox asked if Mr. Cashell were saying it was okay if the sign was in the Business zone but the business was not. Mr. Cashell replied that what he was saying was that there was a noncompliance issue relative to zoning right now. Selectman Maddox said the business (the Presentation of Mary) was still in the R-2

zoning district. Mr. Cashell said he was just suggesting matching the depth of the Business zone along Lowell Road.

Chairman Russo asked if the athletic fields were allowed in the Residential district. Town Planner Cashell answered in the affirmative.

Mr. Della-Monica asked if the property would be nonconforming if the owners wanted to expand it. Mr. Ulery said there was no family use there.

Chairman Russo said he was not sure what the Board's consensus was, suggesting the members wanted to hear from the other business property owner and also from the Presentation of Mary property noting that there were at least a couple members who seemed to feel rezoning the other side of the street (the Presentation of Mary property) was not necessary. Mr. Ulery said he felt a public hearing would be appropriate, as requested by the draft motion, noting that all parties should be notified and could attend if they wished. Chairman Russo noted that the draft motion simply referenced the two business properties. Mr. Cashell suggested changing the draft motion to include the other side of the street. Mr. Hall said he did not hear anyone on the Board indicating a desire to rezone that property.

Chairman Russo referenced the draft motion to defer. Mr. Cashell suggested using the first meeting in January, rather than December 12th.

Mr. Della-Monica moved to have Staff prepare the following rezoning proposal for a public hearing at the Planning Board's January 9, 2013, meeting:

Amend the zoning designation for the following lots, in their entirety: 185 Lowell Rd. (Map 210, Lot 4) and 183 Lowell Rd. (Map 210, Lot 5) from Industrial (I) to Business (B), and to also amend the zoning designation of that portion of 182 Lowell Rd. (Map 210, Lot 10) zoned Residential-Two (R-2) to Business (B) and for the depth of this area, which fronts along Lowell Rd., to match that of the present B-zoned area of the subject lot.

Mr. Hall seconded the motion.

Ms. McGrath suggested sending first-class mail notification to the residents of Shelley Drive, as this change would greatly affect them.

Mr. Hall noted the last day for public petition would be December 12th, and he questioned why the Planning Board should wait until January. Mr. Hall then asked when the last date of the public hearing could be held for the Warrant.

Mr. Barnes noted that the applicant would be left in the lurch if the Planning Board decided on January 9th not to go forward.

Selectman Maddox protested that the Board was looking for multiple solutions for a situation that had no problem, saying the property owners should be doing this, not the Planning Board. Mr. Hall responded that the Board should be planning.

VOTE: Chairman Russo then called for a hand vote on the motion.
All members present voted in favor except for Selectman

Maddox and Mr. Barnes, who both voted in opposition, and Chairman Russo declared the motion to have carried (5–2).

VIII. PERFORMANCE SURETIES

No **Performance Sureties** items were addressed this evening.

IX. ZBA INPUT ONLY

No **ZBA Input Only** items were addressed this evening.

X. PUBLIC HEARINGS

A. Amendment to Planning Board Driveway Regulations Design Criteria (HTC §193-10).

In accordance with NH RSA 675:7, Chairman Russo called a public hearing on Wednesday, November 14, 2012, at 7:50 P.M. in the Community Development Department Paul Buxton Conference Room, Town Hall, 12 School Street, Hudson to consider the following amendment to the Planning Board's Driveway Regulations Design Criteria, HTC §193-10, which he read aloud as follows (amendment language shown in bold-print):

- C. Establishment of grades, i.e., profiles and/or cross sections that adequately protect and promote highway drainage and permit a safe and controlled approach to the highway in all seasons of the year. **Driveways shall not interfere with the free flowing drainage in the gutter line, and no driveway shall have a negative or positive slope greater than 10%; each driveway shall have a platform, at minimum, twenty feet in length and no less than 1% of slope nor greater than 2%. Driveways having a positive grade in the direction of the intersecting street must be sloped so that stormwater runoff flows to the gutter line and in the direction of flow.**

No one coming forward, Chairman Russo closed the public hearing at 7:52 pm, and he then referenced the draft motion.

Selectman Maddox asked if the Road Agent and the Town Engineer had weighed in on this version. Town Planner Cashell responded in the affirmative.

Mr. Barnes moved for the Planning Board to adopt the proposed amendment to §193-10.C of the Planning Board's Driveway Regulations, as cited above.

Mr. Hall seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members present voted in favor, and Chairman Russo declared the motion to have carried (7–0).

XI. DESIGN REVIEW PHASE

No **Design Review Phase** items were addressed this evening.

XII. OLD BUSINESS

A. Discussion on Electronic Message Center Signs. Deferred Date Specific from the 10-03-12 Planning Board workshop.

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell reviewed the past discussion from the October 3rd workshop, noting that Selectman Brucker had been going to bring the issue to the Board of Selectmen, and stating that there had been felt at that previous meeting to be a lack of sufficient Board members present at that meeting.

Selectman Brucker said she had consulted with the other Selectmen, stating that they would like to have the ordinance enforced; she noted that a lot of thought had been put in on developing the EMC ordinance. She then said she had asked the Zoning Administrator to send out a notice to all EMC sign owners.

Ms. McGrath noted that the Barlo sign company had offered to donate an EMC sign to Alvirne High School; she asked what zoning district the school was in. Town Planner Cashell said it was in the G zone. Ms. McGrath noted that EMC signs were not allowed in that zone, adding that there were residential properties across the street from the school, and she expressed a hope that there would not be a sign on that property unless they obtained a variance. She then noted that she had passed an EMC sign on the way to the meeting tonight, noting that it was on although the business was closed, adding that in her opinion this particular site was giving the finger to the Town of Hudson and had been doing so all along. She noted that another sign further on the road was blinding neon yellow tonight. She expressed a belief that the ordinance should be eliminated.

Mr. Barnes asked if the Town were going to enforce the ordinance. Selectman Brucker said this was what the Board of Selectmen was requesting. Mr. Barnes said he thought this was a workable ordinance but it would have to be enforced.

Mr. van der Veen asked about Ms. McGrath's statement that there were residences near the Alvirne property. Ms. McGrath said there were residential homes across the street. Town Planner Cashell said the sign would be located where the existing sign was—adding that it was government-owned property. Chairman Russo expressed a hope that the School District would seek a variance.

Mr. Ulery noted the impact of the lights from the football field.

Ms. Merrill said she found the existing EMC signs blinding.

Chairman Russo said they did not blink, but they did glare, saying the Board had missed requesting a dark background—adding that some of them were too bright to be read. He said he was surprised that no one had brought forward a suggestion to

resolve that for future signs. Mr. Della-Monica said it did not have to be for future signs, as changing the ordinance should apply to all signs. He said Chairman Russo was right.

Selectman Maddox said this meant personnel had to go out at night, when the signs were on.

Chairman Russo said property owners might try to avoid the fees if a letter went out saying this was going to occur.

Mr. Hall expressed a hope that the Town would implement fees that would cover the costs, suggesting there should be an annual fee. Chairman Russo said his recollection was that, when it came to enforcement, the fees were what they were, adding that the property owners had agreed that they would have to pay the fees. Mr. Hall said the property owners would have to be billed, then; Chairman Russo concurred.

Ms. McGrath asked if Selectman Maddox were suggesting that the taxpayers would be obligated to pay for the purchase of a meter to evaluate the signs. She said the Town could not go after the signs that were already up, but she hoped that, if the Board of Selectmen were going to buy any equipment, that expense would go to the people putting up the signs and/or who owned the signs that were in violation—including the one she had mentioned before as bang consistently in violation.

Selectman Maddox said the taxpayers would have to pay, as otherwise the Town would have to wait until the next time the fees were changed, saying this was just a cost of doing business.

Ms. McGrath said the Town would not have to buy any extra equipment if the sign ordinance were abolished, adding that the Town would then not need to have enforcement going out at night and the Town would be a prettier place.

Selectman Brucker said one of the ugliest signs in town was opposite Library Park, saying it was more offensive than the EMC signs. She said she did not know where the Town's process should start and end.

Ms. McGrath asked if the Board were being told by the Selectmen as a whole that there was going to be enforcement. Selectman Brucker responded in the affirmative.

Town Planner Cashell asked if the administrative interpretation of graphics and not-text illustrations being allowed were not going to go away, saying that issue had to be put to rest and asking if that were all right with this Board.

Selectman Maddox said it was not a problem until it became a problem, predicting that someone would come out with something unacceptable. Ms. Jennifer Robichaud, 18 Haverhill Street, a Barlo employee who had worked with the Chamber in developing the ordinance, noted that she passed by the sign referenced by Selectman Brucker every day, adding that she found it to be hideous, but the Town could not regulate taste, just as it could not regulate the very offensive home she passed every day covered with political signs. She said it was disappointing to hear Board members pointing out some signs, saying there was an agenda by some members, and she repeated that one could not regulate taste. She said she had watched all of the videos

and had gone through all the Board's minutes, declaring that the problem was enforcement. She expressed a hope that the Board would not get behind a move to do away with the ordinance, saying this had not been done willy-nilly, and noting that the business community and the Board had put hours upon hours working on this ordinance. She reminded the Board that an offer had originally been made to attach a bond to the permits, so that violators would lose their bond. She suggested changing the ordinance so that it would have some teeth in it, adding that she did not see any violations while driving here tonight, adding that she drove past the Dairy Queen sign every day and it was not turned on until the business opened, adding that most people now were following the ordinance. She said the Board might have a problem with one sign and one person, saying the Town should go after that one sign. She said the Building Department had no record of any formal complaints from any citizens.

With respect to the graphics, Ms. Robichaud continued, it had never been the intention for graphics to be prohibited. She said this had come up once, in the version of the ordinance that Town Planner Cashell had produced, but it was tabled and was never discussed again. She said graphics were not prohibited, arguing that if they were the ordinance would say just text but it did not say that. She said graphics were not a problem, in her opinion, unless they were larger than the four lines of ten-inch copy. If the graphics were outside the four lines of text, she agreed, there was a problem, in her opinion as a professional citizen.

Chairman Russo said he and other members had been under the impression that any graphics would be limited to the size of the ten-inch text, saying he did not expect a bright background with pictures, saying it could be 40 inches tall. Ms. Robichaud said if it fit within the four lines of text it should be okay.

Selectman Maddox asked if she showed clients what the 1,000 nits and 1,600 nits were like. Ms. Robichaud said that lighting was not her forte—but then added that Mr. Bartlett had seen a sign within the past month that he did not like and had gone out and toned it down, adding that anyone from this group could call Barlo at any time and ask them to be involved, noting that they had gotten involved when the Code Administrator said the PMA sign was running five lines of text and immediately went and worked with them.

Chairman Russo said his issue had been the intensely bright sign at the Sunoco station, recalling that she had said it was because it was too large. He pointed out that people with EMC signs were using the same bright intensity. Ms. Robichaud said the only complaints were coming from people in this room. Chairman Russo demurred, saying most people assumed the signs were allowed by the Planning Board. He said the people who knew were complaining, because they had made the rules.

Ms. Robichaud said she was talking about the taste issue, as there might be people who liked the bright backgrounds.

Mr. Barnes said there were measurements in the ordinance and the background could be made to be toned down. If the signs were too bright to be read, he said, the owners would eventually figure that out, as they would note that they were not getting more business.

Ms. Robichaud questioned why the Board members could not visit the property owners and say the signs were too bright.

Mr. Della-Monica said he tended to agree that the issue was the amount of light coming out of the sign, saying measuring the intensity should be the issue, and the signs were in violation if the entire 40 inches was too bright.

Mr. van der Veen said the main issue was distraction of the drivers. He questioned the idea that sign owners would learn, citing the sign on Amherst Street in Nashua as an example.

Town Planner Cashell read aloud the language in the ordinance, saying it protected the Town. He said it would not cost the Town a dime, as the sign owner could be billed. He said the signs were so bright they were off the ordinance, declaring that he had not seen one dimmed down at all.

XIII. CONCEPTUAL REVIEW ONLY

No **Conceptual Review** items were addressed this evening.

XIV. NEW BUSINESS/PUBLIC HEARINGS

A. 75 River Road Site Plan SP# 06-12

Map 251/Lot 010
75 River Road

**Purpose of plan: raze existing structure and construct four new light industrial buildings with associated parking, drainage and utilities.
Application Acceptance & Hearing.**

Chairman Russo read aloud the published notice, as repeated above.

Ms. McGrath stepped down from her non-voting alternate position, taking a seat in the audience section.

Town Planner Cashell said the plan was ready for Application Acceptance. Mr. Hall so moved. Mr. Barnes seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Town Planner Cashell said he had nothing to add to his staff report at this time.

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, serving as the engineering representative of the applicant, posted a plan on the meeting room wall, noting that he was representing the applicant, Principal John Nichols, and adding that Mr. Nichols and Atty. John Cronin also were present. He discussed past use of the property and then discussed details of the area, addressing the plan. He discussed the buildings being proposed, saying they did not have specific

uses but would be rented to contactors—emphasizing that they would not be for retail use. He said the buildings would be serviced by septic and municipal water, stating that DOT permits were pending. He noted there would be waiver requests for the 100 foot buffer from residential/commercial uses, for loading docks (adding that these buildings were not meant for loading other than FedEx/UPS deliveries, but he could do loading docks if he had to), for a fiscal impact study, and a noise study.

With respect to the buffer, he said the buildings were a sufficient distance away, noting that there was a mound at the front of the property and landscaping would be provided. He said the neighborhood was turning more and more to this type of use and they were respecting the wetland buffers.

He then identified the plan on the wall as ***Presentation Plan, 75 River Road, Map 251/lot 10, Hudson, New Hampshire***; Owner of record is 75 Realty Trust, applicant is the same: dated August 15, 2012, last revised October 9, 2012.

Chairman Russo opened the meeting for public input and comment, in favor of the application. No one coming forward, Chairman Russo asked if anyone from the public wished to speak in opposition or to provide comments or questions concerning the application.

Ms. Marilyn McGrath, 81 River Road, said she had some questions before making comments. She then commented that the staff report indicated that Town Planner Cashell had not received any input from the abutters; she said she had never heard of that being a requirement—and would not have known if she did not receive a copy of the staff report as a member of the Board, as she was not a direct abutter. She said most people saw the plan for the first time when they came to the Board meeting, so she found this note troublesome.

Ms. McGrath said she questioned the uses being proposed, noting that “light industrial” was being talked about as contractors who would use the building to pick up their equipment, so the traffic would not be that severe, but “commercial” would leave the property wide open. She noted that Mr. Basso had said there was not supposed to be any retail use, but the site plan, Note 5, said inspection would be required if there were between zero and 99 seats, which indicated a restaurant use. On page 11 of the traffic report, she continued, reading the pertinent text aloud, a restaurant use was anticipated in 2013; if that were the case, she said, she did not think the traffic impacts were addressed in the traffic report. She noted that the traffic report talked about 40-foot trucks, saying larger trucks would have to back in or out or be parked along River Road—which she said would be a safety problem as that was a busy road. She then referenced the CLD report, noting reference to a club across the street, and adding that CLD also had expressed concern about delivery trucks entering the site and perhaps parking along River Road. She noted that CLD also noted that the applicant had only proposed 20 feet of distance between the intended use and abutting uses.

She said this proposal was incredibly intense, noting that this development would not be allowed except that the Zoning Administrator had made a determination a couple years ago that this was a lot of record. She said the screening that was being provided was beyond the limits of her brother’s home, so he would get no benefit—adding that from her own home she had a full view of the kindergarten building that was there now,

along with the sign, and there was just no screening. She said she thought the Planning Board needed to address the intensity being proposed, and also the specific uses, so that abutters could know whether they supported the plan or not—adding that the possible restaurant was the real problem. She noted that no hours of operation were listed, nor was there any mention of trash pickup times.

Mr. Ken McGrath, 79 River Road, said he was not sure how it would affect him, noting that the lighting might affect his business, and he expressed concern about possible parking on River Road, adding that possible equipment in these buildings also might affect his business. He said this was someone who was not going to be in the area, and this seemed like a lot for such a little lot, especially with his brother living right next door.

Mr. Tom Summers, a licensed engineer, appearing in behalf of Ms. Doris Ducharme, an abutter, said she was most concerned about drainage affecting her side of the road. He said he had visited the property and did not find a connection, but the low area would appear to have the water go to the back, which would be helpful. He noted that there was supposed to be a pipe, but he did not know where it went, adding that the mounding taking place as part of the plan might affect the overflow, but he thought that would be easy to fix by changing the plan. He said he was looking for assurances that the proposal was not going to affect Ms. Ducharme's property across the road.

Mr. Barnes asked Mr. Summers to identify the mounding. Mr. Summers noted its location on the plan displayed on the meeting room wall.

Ms. McGrath said the drainage on the roadway all along that section of the road had changed, saying she did not know if it was because of something the State had done, and adding that the bottom of her driveway always flooded. She pointed out that the site plan showed a driveway on her brother's property, saying that driveway was eliminated when the Planning Board approved her other brother's business, so that they both used a shared driveway. She then added that the deck and pool shown in the plan also did not exist.

Selectman Maddox called for a point of order at this point, asking if he were the only member missing half of the traffic report. Mr. Hall said only one side of the double-sided report had been copied. Town Planner Cashell said there was half as much AM and PM traffic as what had existed years ago with the daycare facility, noting that the State had said no turning lanes were warranted. When abutters received notice, he said, many times they came to the office to examine the plans, saying this was done routinely with every project, and he had just reported in the staff report that no one had come in.

Mr. Basso said he did not know why the traffic report said "restaurant," saying this had never been proposed and he had never used that term. He stated that no restaurant was being proposed. He said the standard fire protection notes were put on the plan, reiterating that there was no intention at all of putting a restaurant on the property. He said the turnaround had been added as a result of the traffic report and the CLD comments, saying there was never any intention of having parking on River Road.

Chairman Russo asked how large a tractor-trailer could use that turnaround. Mr. Basso said it had been done with a 60-footer for the DOT, adding that DOT would not allow them to back out onto River Road. He acknowledged that the mound was on the abutter's property, saying this was why he had chosen to put the trees back further on the property. He said he was not opposed to discussions about fencing or other screening, saying the driving factor was open space, with 57.9% being provided, so they were not over-developing the site. He said the proposed mound was for landscaping, but there was an 18-inch pipe that made an arc around the corner, adding that an overflow from the road could be provided, and no overflow would go toward the Ducharme property, saying nothing would flow that way at all or out to the road, as it flowed back to the brook. He said the extraneous items on the plan had been grabbed from an old aerial, noting that he was not allowed to go on abutting properties to make measurements.

Chairman Russo declared a break at 9:05 p.m., calling the meeting back to order at 9:18 p.m.

Chairman Russo said he would put the matter before the Board at this time and allow Board members to ask questions.

Mr. Della-Monica said it seemed to him to be a reasonable density but low intensity; he then asked if they were willing to work with Mr. McGrath about electrical interference problems. Mr. Basso answered in the affirmative, saying they were only proposing wall pack at this time, and the only lighting being proposed was for security purposes.

Mr. Della-Monica asked if it were the case that everything would fit through a regular door. Mr. Basso demurred, saying there would be garage bays. He said they were projecting that there would be contractors who parked their vehicles and stored their equipment in the units, but nothing would be worked on in the units or in the parking lots.

Mr. Della-Monica asked if there could be a stipulation that there would be no high-intensity radio businesses, noting this would put Mr. McGrath out of business. Mr. Basso said his client did not have an issue with that.

Mr. van der Veen asked for the purpose of the green-colored strip on the plan. Mr. Basso said there was grass, with some plantings up front. Mr. van der Veen asked how tall the buildings would be. Mr. Basso said they would be 16 feet at the highest. Selectman Maddox asked if Mr. Basso had a rendering. Mr. Basso posted a C-sized drawing on the meeting room wall, saying the bays would be 50-foot increments.

Chairman Russo asked how many units would be in each building. Mr. Basso said they were 50 feet by 25 feet, but they might break up better as 20-foot widths, so there would be four tenants at the most in one building, while the smaller building in the back would have three units and the long one could have five. He reiterated that there would be no retail.

Chairman Russo said the plan showed a lot of parking spaces and also a lot of overhead doors. Mr. Basso said he did not necessarily mean that much parking but only that they could do it, saying these types of renters did not typically have anything near that. Chairman Russo referenced his own business, saying what he had found

was that an electrician or a landscaper would not let vehicles go home with their employees—adding that he would use five spaces for his vehicles and his employees' vehicles, and pointing out that he was a very small shop. He noted that Pelham Yards had been approved because it had a long space, but this seemed tighter than that, and he was not really certain that this type of fit was for that small contractor, saying he thought Mr. Basso might be underestimating their parking needs. Mr. Basso said it had been based on the needs of his client.

Selectman Maddox asked if Mr. Basso could provide a list of possible types, so the Board could look at it—adding that some previously approved developments of this type were slowly evolving toward retail use. Mr. Basso said retail operation could not work with this amount of parking. Atty. Cronin noted that the client had such a business at 72 Russell Drive in Pelham. Selectman Maddox said there seemed to be an awful lot of buildings for this size of space. Mr. Basso noted that they also were not proposing any type of wholesale business, either, but they could tighten up if necessary.

Mr. Barnes noted that the Fire Department had previously looked for access to the rear of buildings. Mr. Basso said the Fire Department had looked at the plan and had had no issues.

Mr. Barnes asked about lighting in the rear. Mr. Basso said there was nothing planned.

Mr. Barnes referenced Sheet 4, noting that several snow storage areas were indicated, but the landscape plan showed those areas as landscaped, saying landscaping would not survive if covered with snow.

Mr. Barnes then referenced the traffic study, Page 17, saying some of the numbers on the chart did not seem to add up—such as 22 going north, but no traffic turning right, but at the next intersection there were seven less vehicles. He said there were several such inconsistencies. Mr. Basso said he was not sure if there were a reason for that, saying he would have the traffic engineer look at it.

Mr. Barnes said he thought the big issue would be the request for waiver of the 100-foot buffer requirement, noting that the large building came right out to the edge of the setback—adding that reducing its size would let it be moved back and provide for effective screening.

Town Planner Cashell said if members cared to drive around the town and look at these industrial sites they would note that the more paving space that was provided on a site like this advanced the collection of outside storage and other stuff, noting that the Board had dealt with an issue of this sort of thing last year. He suggested that the less impervious surface provided with these types of uses, the less congestion or dumpiness of the site would result. He expressed a belief that with this particular design everything would pretty much have to be inside the building, out of site, because there was not that much parking. He then referenced various other sites that had similar problems.

Chairman Russo said he was having a tough time with the orientation of the units, saying the parking on the plan on the meeting room wall did not seem to line up, and

adding that he hoped Mr. Basso would come back with a plan showing how these worked.

Mr. Hall said he would echo Mr. Barnes's comment that the hardest issue was the 100-foot buffer and having the building right up to the setback. Mr. Basso said it would be a building wall that could be dressed up, saying this was the way this neighborhood was going and that the 100-foot waiver had been granted a few times for developments of this type in this area. He said he did not think this was inappropriate, given the nature of this part of town and what had been happening there. He said he would be happy to meet with the abutters to see if a satisfactory treatment could be worked out, but this was how that area was going. He then concluded by stating that distance alone did not necessarily provide a buffer.

Atty. John Cronin, legal representative for the applicant, said he had reviewed the regulations, and he wanted to throw out the concept that he did not find the 100-foot buffer in the Zoning Ordinance but only in the building regulations, and the setback had to be consistent with the Zoning Ordinance. He suggested that the Board might want to put something into the Zoning Ordinance to make it consistent.

Selectman Maddox stated that this issue had been taken to court and the Town had won. He then questioned the statement that this was the way the area in question was going, saying there were people living in houses along that road. He then suggested that the Planning Board perhaps had granted this 100-foot waiver too often.

Chairman Russo asked if any member wished to address any of the wavers at this time. Town Planner Cashell suggested this was premature, noting that the December 12th agenda was pretty full; he then suggested that everything be deferred to January 9th. Selectman Maddox so moved; Mr. Hall seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Ms. McGrath returned to her seat at the table as a non-voting alternate.

**B. Jarry Subdivision (Extension)
SB# 05-12**

**Map 207/Lot 8
Bush Hill Road**

***Purpose of Plan:* Request for extension of: Subdivision Approval SB# 09-11 Amended Open Space Development – Jarry Subdivision Map 207/Lots 4 and 8 – Bush Hill Road, Hudson, New Hampshire. (Approved on November 9, 2011). Application Acceptance & Hearing.**

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell said the plan was ready for Application Acceptance. Mr. Barnes so moved; Mr. Della-Monica seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, serving as the engineering representative of the applicant, said it was up to the Board members whether they wanted him to discuss details, saying construction was proposed for this coming spring. Mr. Jarry said they had already started construction of one house.

Selectman Maddox asked about the roadway improvement required before the first dwelling. Mr. Basso said he thought that was for the first building in the development, not for the standalone lots, adding that they were intending to build that right off.

Town Planner Cashell suggested adding "and shall remain in effect in its entirety" to the end of the draft motion. Mr. Basso said Sousa Realty was under contract with Continental Paving to do that work, which would be done in conjunction with building the road for the stand-alone residences.

Chairman Russo opened the meeting for public input and comment. No one coming forward, despite a repeated invitation, Chairman Russo closed the public hearing, declared the matter before the Board, and asked if any members of the Board had any questions.

Ms. McGrath asked if there were any wetland impacts or anything from the Zoning Board. Mr. Basso said that was the case for the original plan, but there no longer were any being proposed.

Mr. Barnes moved to grant a one-year extension (i.e., from November 9, 2012, to November 9, 2013) for the 18-Lot Jarry OSD Subdivision, Map 207; Lot 8, Bush Hill Road, Hudson, NH, noting that the Decision of Approval, dated November 9, 2011, was attached therewith and shall remain in effect in its entirety.

Mr. Della-Monica seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

**C. RPNT Properties Subdivision
SB# 06-12**

**Map 182/Lot 056
36 Central Street**

Purpose of Plan: To subdivide one residential parcel into three residential parcels. Application Acceptance & Hearing.

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell said deferral had been requested, noting that the handout package contained a letter from Atty. Westgate requesting deferral to January. He

noted that the applicant would be going before the Zoning Board of Adjustment. Chairman Russo noted that the applicant would have to renote the plan.

Town Planner Cashell said the Board could not take action before the applicant went to the Zoning Board of Adjustment. Chairman Russo said that was incorrect, as new legislation allowed that to happen.

Mr. Hall moved to defer this matter to the meeting of January 9th, 2013. Mr. van der Veen seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

XV. OTHER BUSINESS

Mr. Barnes asked if members of the Board really needed the full documentation for extension requests, such as the just-discussed Jarry item, suggesting only a page or two would be needed. Town Planner Cashell said full submission had been required in the past. The consensus of the Board was that full submission would not be required for extension requests in the future.

XVI. ADJOURNMENT

All scheduled items having been addressed, Mr. van der Veen moved to adjourn; Mr. Barnes seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor.

Chairman Russo then declared the meeting to be adjourned at 10:00 pm.

Date: December 4, 2012

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Edward van der Veen, Secretary

These minutes were accepted as amended following review at the 02-13-13 Planning Board meeting.

-- FILE COPY --

The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 02-13-13

Page 2, 2nd bulleted paragraph, last line – changed inappropriate period in dollar figure to a comma, so that the phrase now reads “an account with approximately \$60,000 in it.”

Page 4, 4th paragraph [now 5th paragraph because of reformatting to add IT-required heading on first page], 3rd line – changed miscoded “building permit” to “Planning Board,” so that the sentence now reads : “He then expressed a belief that the Planning Board should propose changing all three properties.”

Page 4, 5th paragraph [now 6th paragraph because of reformatting to add IT-required heading on first page], 7th line – changed mistyped “zooning” to “zoning.”

Page 9, 3rd paragraph, last word – changed mistyped “oaky” to “okay.”

Page 9, 4th paragraph, last sentence – removed unneeded auxiliary verb “had” so that the phrase now reads “they had gotten involved when the Code Administrator said the PMA sign was running five lines of text and immediately went and worked with them.”

Page 12, 3rd paragraph, 2nd line from end – removed extraneous semi-colon.

Page 14, 7th paragraph – Changed “Mr. Barnes said he thought the big issue would be the request for waiver of a 100-foot waiver,” to read “Mr. Barnes said he thought the big issue would be the request for waiver of the 100-foot buffer requirement, ...”

Page 14, 8th paragraph, 1st sentence – Changed “Town Planner Cashell said the more paving space provided advanced outside storage, noting that the Board had dealt with an issue of this sort of thing last year” to an expanded version more closely aligned to the audio record, reading as follows: “Town Planner Cashell said if members cared to drive around the town and look at these industrial sites they would note that the more paving space that was provided on a site like this advanced the collection of outside storage and other stuff, noting that the Board had dealt with an issue of this sort of thing last year. He suggested that the less impervious surface provided with these types of uses, the less congestion or dumpiness of the site would result. He expressed a belief that with this particular design everything would pretty much have to be inside the building, out of site, because there was not that much parking.”

Did a global replacement to ensure Selectman Brucker’s name was correctly spelled throughout the document (eight occurrences).